



PATENT  
Serial No. 09/876,742  
Attorney Docket No. 450100-03274

2133  
JFW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : MIYAUCHI, Toshiyuki *et al.*  
Appl. No. : 09/876,742  
Filed : June 7, 2001  
Title : DECODER AND DECODING METHOD  
Art Unit : 2133  
Examiner : TORRES, Joseph D.

745 Fifth Avenue  
New York, NY 10151

**COMMUNICATION**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 1, 2004.

Samuel S. Lee, Reg. No. 42,791

(Name of Applicant, Assignee or Registered Representative)

  
\_\_\_\_\_  
Signature  
\_\_\_\_\_  
October 1, 2004  
Date of Signature

Commissioner for Patent  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On February 11, 2004, Applicant received a Final Office Action for the captioned patent application, front page of Final Office Action (TTO-90C) and Office Action Summary (PTOL-326) are attached as Exhibit A. On April 9, 2004, less than two months from the receipt of the Final Office Action, an Amendment after Final was filed. A copy of the front page of the Amendment after Final containing the mailing certificate is attached as Exhibit B. Additionally, attached as Exhibit C is a copy of the confirmation return post card, date stamped April 12, 2004, by the United States Patent and Trademark Office confirming receipt of the Amendment after

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Final. Finally, attached as Exhibit D is a copy of a PAIR status report also indicating that the Amendment after Final was entered into the United States Patent and Trademark computer system on April 12, 2004.

On August 11, 2004, the final day for responding to the Final Office Action, Applicant's docketing system personnel notified Applicant's attorney that no response had been received from the United States Patent and Trademark Office regarding the early filing of the Amendment after final. Applicant's attorney thereby telephoned the Examiner to obtain a status. The Examiner maintained that as of August 11, 2004, he had not received the Amendment after Final. Therefore Application, on August 11, 2004 filed an RCE along with a slightly revised version of the Amendment After Final previously filed on April 9, 2004 with the requisite three month extension of time fee and RCE filing fee.

Applicant contends that an Advisory Notice or Notice of Allowance should have been forthcoming prior to having to file an RCE in the United States Patent and Trademark Office. Therefore, Applicant requests that the extension fee paid with the filing of the RCE should have been at a maximum a one month extension at \$110.00 rather than the \$950.00 for the three month extension of time filed with the RCE. Therefore applicant requests that, if the Honorable Commissioner deems this communication to be accurate, Applicant be reimbursed the additional \$840.00 paid to insure the Amendment is entered and acted upon. Additionally, if the Examiner deems the above to be accurate, please credit the overpayment of \$840.00 to Deposit Account No. 50-0320.

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Thank you for your consideration.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By: Samuel S. Lee, Reg. No. 42,791 for  
William S. Frommer  
Reg. No. 25,506  
(212) 588-0800

cc: William S. Frommer



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,742	06/07/2001	Toshiyuki Miyauchi	450100-03274	1867
20999	7590	02/11/2004		
EXAMINER				
TORRES, JOSEPH D				
ART UNIT		PAPER NUMBER		
2133				

DOCKETED

DATE MAILED: 02/11/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

02/11/04 A 11:08  
FROMMER, LAWRENCE  
& HAUG, LLP

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/876,742	MIYAUCHI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Joseph D. Torres	2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 26 January 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-48 is/are rejected.
- 7) Claim(s) 1-48 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 June 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : MIYAUCHI, Toshiyuki *et al.*  
Appl. No. : 09/876,742  
Filed : June 7, 2001  
Title : DECODER AND DECODING METHOD  
Art Unit : 2133  
Examiner : TORRES, Joseph D.

745 Fifth Avenue  
New York, NY 10151

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Samuel S. Lee, Reg. No. 42,791  
(Name of Applicant, Assignee or Registered Representative)  
  
\_\_\_\_\_  
Signature  
April 9, 2004  
Date of Signature

**AMENDMENT UNDER RULE 116**

Mail Stop AF  
Commissioner for Patent  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Office Action of February 11, 2004, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2.

**Amendments to the Drawings** begin on page 13 of this paper and include both an attached replacement sheet and an annotated sheet showing changes.

**Remarks/Arguments** begin on page 14.

RETURN POST CARD

ATTORNEY DOCKET 450100-03274

Applicant: Toshiyuki MIYAUCHI et al.  
Appl. No.: 09/876,742  
Filing Date: June 7, 2001  
Entitled: TORRES, Joseph D.

Enclosed:

- Patent Application Transmittal  
 Patent Application  
(      pages,      sheets of drawings)  
 Provisional Patent Application Cover Sheet  
 Provisional Patent Application (      pages)  
 RCE Transmittal  
 Preliminary Amendment  
 Amendment AF  
 Fee Transmittal  
 Check No.      for \$      .00  
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- Certificate of Express Mailing  
(Express Mail No.      )  
 IDS  
 USPTO Form 1449 and References  
 Priority Document(s)  
 Nonpublication Request  
 Declaration/Power of Attorney  
 Signed       Unsigned  
 Assignment  
 Assignment Recordation Cover Sheet  
 Other: DRAWINGS

Today's Date: 04/09/04

Due Date: 05/11/04

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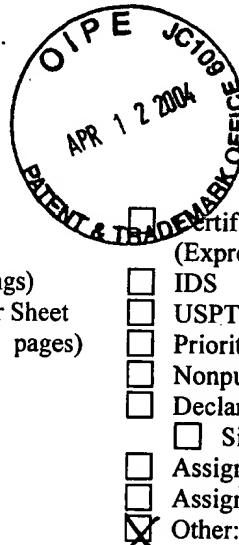
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ATTORNEY DOCKET 450100-03274

Applicant: Toshiyuki MIYAUCHI et al.  
Appl. No.: 09/876,742  
Filing Date: June 7, 2001  
Entitled: TORRES, Joseph D.

Enclosed:

- Patent Application Transmittal  
 Patent Application  
(      pages,      sheets of drawings)  
 Provisional Patent Application Cover Sheet  
 Provisional Patent Application (      pages)  
 RCE Transmittal  
 Preliminary Amendment  
 Amendment AF  
 Fee Transmittal  
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- IDS  
 USPTO Form 1449 and References  
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 Nonpublication Request  
 Declaration/Power of Attorney  
 Signed       Unsigned  
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**SUBMIT**

: 09/876,742

Decoder and decoding method

Application Data	Transaction History	Image File Wrapper	Foreign Priority	Published Documents	Publication Dates
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Date	Contents Description
04-12-2004	Workflow incoming amendment IFW
02-11-2004	Mail Final Rejection (PTOL - 326)
02-07-2004	Final Rejection
02-04-2004	Date Forwarded to Examiner
01-26-2004	Response after Non-Final Action
10-29-2003	Mail Non-Final Rejection
10-26-2003	Non-Final Rejection
07-08-2003	Case Docketed to Examiner in GAU
06-07-2001	Request for Foreign Priority (Priority Paper)
12-14-2001	Case Docketed to Examiner in GAU
06-07-2001	Request for Foreign Priority (Priority Paper)
10-23-2001	Application Dispatched from OIPE
10-22-2001	Application Is Now Complete
08-08-2001	Notice Mailed--Application Incomplete--Filled
08-07-2001	Correspondence Address Change
08-07-2001	Correspondence Address Change
06-20-2001	IFW Scan & PACR Auto Security Review
06-07-2001	Initial Exam Team nn

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Exhibit D